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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Sudhindra P. Herle
Serial No. : 10/600,223
Filed : June 20, 2003
For : APPARATUS AND METHOD FOR PERFORMING AN
OVER-THE-AIR SOFTWARE UPDATE IN A DUAL
PROCESSOR MOBILE STATION
Art Unit : 2191
Examiner : Satish Rampuria
Confirmation No. : 9788

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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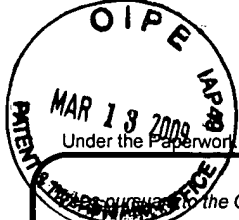
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Under the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2009☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 540.00

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Filing Date	June 20, 2003
First Named Inventor	Sudhindra P. Herle
Examiner Name	Satish Rampuria
Art Unit	2191
Attorney Docket No.	2003.07.011.WT0

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Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

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\$540.00

SUBMITTED BY

Signature	<u>John T. Mockler</u>	Registration No. (Attorney/Agent) 39,775	Telephone 972-628-3600
Name (Print/Type)	John T. Mockler		Date 03-10-09

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APPEAL BRIEF

Sir:

Applicant herewith respectfully submits that the Examiner's decision of October 27, 2008, finally rejecting Claims 1-24 in the present application, should be reversed, in view of the following arguments and authorities. This Brief is submitted in response to the Notice of Panel Decision mailed February 13, 2009, and subsequent to the Notice of Appeal filed January 23, 2009. A check in the amount of \$540.00 is enclosed for the fee of filing a Brief on Appeal, but please charge any additional necessary fees to Deposit Account No. 50-0208.

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KSR Int'l v. Teleflex Inc., 127 S. Ct. 1727, 82 USPQ2d 1385 (2007) 13

Real Party in Interest

The real party in interest, and assignee of this case, is Samsung Electronics Co., Limited.

Related Appeals or Interferences

To the best knowledge and belief of the undersigned attorney, there are none.

Status of Claims

Claims 1-24 are under final rejection, and are each appealed.

Status of Amendments after Final

No claims were amended after final rejection.

Summary of Claimed Subject Matter

The following summary refers to disclosed embodiments and their advantages, but does not delimit any of the claimed inventions.

In General

The present application is directed, in general, to wireless communication systems and, more specifically, to an apparatus and method for upgrading the software in a dual processor wireless communication device. *Page 1, lines 6-9.*

Support for Independent Claims

Note that, per 37 CFR § 41.37, only each of the independent claims are discussed in this section, as well as any claims including means-plus-function language that is argued separately below. In the arguments below, however, the dependent claims are also discussed and distinguished from the prior art. The discussion of the claims is for illustrative purposes, and is not intended to effect the scope of the claims.

Claim 1 describes a wireless communication device (e.g., *mobile station 111 shown in Figure 2 and described on Specification page 17, lines 1-10*) capable of accessing a wireless network (e.g., *wireless network 100 shown in Figure 1 and described on Specification page 9, lines 9-18*) and downloading a software upgrade file from it (e.g., *downloaded upgrade file 315 shown in Figure 3 and described on Specification page 18, lines 3-7*). The wireless communication device includes a first central processing unit (CPU) (e.g., *CPU 255 shown in Figure 2 and described on Specification*

page 17, lines 11-13) capable of controlling wireless communications with the wireless network and a first memory associated with the first CPU (e.g., ROM 265 and RAM 270 shown in Figure 2 and described on Specification page 17, lines 13-15). The wireless communication device includes a second central processing unit (CPU) (e.g., CPU 205 shown in Figure 2 and described on Specification page 17, lines 15-16) capable of executing at least one end-user application on the wireless communication device and a second memory associated with the second CPU (e.g. Non-volatile (NV) memory 215 and RAM 220 shown in Figure 2 and described on Specification page 17, lines 16-18). The first CPU downloads the software upgrade file from the wireless network and stores the downloaded software upgrade file in the second memory (e.g., as described in Specification page 20, line 7 – page 21, line 15, and illustrated in steps 510 and 525 of Figure 5).

Claim 13 describes a method of upgrading software in a wireless communication device (e.g., mobile station 111 shown in Figure 2 and described on Specification page 17, lines 1-10) that includes a first CPU (e.g., CPU 255 shown in Figure 2 and described on Specification page 17, lines 11-13) that controls wireless communications with the wireless network, a first memory associated with the first CPU (e.g., ROM 265 and RAM 270 shown in Figure 2 and described on Specification page 17, lines 13-15), a second CPU (e.g., CPU 205 shown in Figure 2 and described on Specification page 17, lines 15-16) that executes at least one end-user application, and a second memory associated with the second CPU (e.g. Non-volatile (NV) memory 215 and RAM 220 shown in Figure 2 and described on Specification page 17, lines 16-18). The method includes accessing a wireless network using the first CPU (e.g., as described in Specification page 20, lines 8-10, and illustrated in step 505 of Figure 5), downloading the software upgrade file from the wireless network

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using the first CPU (*e.g., as described in Specification page 20, lines 9-12, and illustrated in step 510 of Figure 5*), and transferring the downloaded software upgrade file from the first CPU into the second memory (*e.g., as described in Specification page 21, lines 11-15, and illustrated in step of Figure 5*).

Grounds of Rejection to be Reviewed on Appeal

1. Are Claims 1-24 unpatentable under 35 U.S.C. § 103(a) over U.S. Patent Publication No. 2004/0068721 to *O'Neill et al.* in view of U.S. Patent Publication No. 2007/0142083 to *Cupps et al.*?

ARGUMENT

Stated Grounds of Rejection

The rejections outstanding against the Claims are as follows:

1. In the October 27, 2008 Office Action, Claims 1-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication No. 2004/0068721 to *O'Neill et al.*, hereinafter “O'Neill” in view of U.S. Patent Publication No. 2007/0142083 to *Cupps et al.*, hereinafter “Cupps”.

Legal Standards

In rejecting claims under 35 U.S.C. § 103(a), the examiner bears the initial burden of establishing a *prima facie* case of obviousness. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). See also *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984)). It is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. (*Id.* at 1073, 5 USPQ2d at 1598). In so doing, the examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), viz., (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; and (3) the level of ordinary skill in the art. In addition to these factual determinations, the examiner must also provide “some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” (*In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir 2006) (cited with approval in *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007)).

Analysis of Examiner’s Rejection

All claims are rejected as obvious over Cupps and O’Neill, but no combination of them teaches or suggests that the first CPU downloads a software upgrade file from a wireless network and stores the downloaded software upgrade file in second memory, associated with the second CPU.

First Ground of Rejection

Claims 1-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication No. 2004/0068721 to *O'Neill et al.*, hereinafter "O'Neill" in view of U.S. Patent Publication No. 2007/0142083 to *Cupps et al.*, hereinafter "Cupps".

Claims 1, 3, 13, and 15

Independent claim 1 describes

1. A wireless communication device capable of accessing a wireless network and downloading a software upgrade file therefrom, said wireless communication device comprising:

a first central processing unit (CPU) capable of controlling wireless communications with said wireless network;

a first memory associated with said first CPU;

a second central processing unit (CPU) capable of executing at least one end-user application on said wireless communication device; and

a second memory associated with said second CPU,

wherein said first CPU downloads said software upgrade file from said wireless network and stores said downloaded software upgrade file in said second memory.

Independent claim 13 describes a method performed by a wireless communication device having similar structure, with the similar requirement that the first CPU downloads the software upgrade file from the wireless network and stores the downloaded software upgrade file in the

second memory. Claims 3 and 15 require that the first upgrade agent program is stored in the first memory. These claims may be considered together.

First CPU Downloads File to be Stored in Second Memory

Claim 1 requires a wireless communication device having two CPUs, where the first CPU can control wireless communications and the second CPU can execute an application. The first CPU downloads a software upgrade file and stores it in a memory associated with the second CPU, by transferring it to the second CPU to be stored in its associated memory. Claim 13 includes similar limitations. These are not taught or suggested by any art of record, alone or in combination.

The Examiner concedes that O'Neill does not teach these limitations. As the Examiner notes, O'Neill does not disclose the second CPU and its associated second memory at all.

Cupps also fails to teach or suggests a wireless communication device having two CPUs that operate as claimed.

The Examiner refers to Cupp's paragraphs 0013 and 0119:

[0013] In an exemplary embodiment, a first (embedded) processor and a second (non-embedded) processor are combined in a handheld housing. The first processor performs a majority of the device's rudimentary functions and calls upon the second processor in order to perform more complex functions. The device is very power efficient since the first processor draws less power than the second processor. To further enhance power efficiency, the second processor is normally asleep and is selectively activated by the first processor to perform the complex functions to satisfy the user's operational

demands. Programs and data for operating the second processor flow initially into the second processor. The second processor processes the programs and data and introduces the processed information to a read-only memory in the first processor. When the second processor is to perform such programs and utilize such data, the first processor introduces such program and data to the second processor for processing by the second processor. ...

[0119] FIG. 4A is a block diagram depicting in more detail display controller 308. Shown for convenience in FIG. 4A is also system processor 302, memory and graphics controller 321, and display 307. In one embodiment, display controller 308 includes memory, which includes two portions, Windows DISPLAY ram 308-1 and user interface display RAM 308-2. Memory 308-1 and 308-2 is, in one embodiment, a dual ported RAM allowing communication with both system processor 302 and memory and graphics controller 321. In an alternative embodiment, memory 308 is not dual ported, but rather is divided into two portions of high speed synchronous RAM, with system processor 302 and processor 320 being allocated their own separate portions of RAM 308.

The Examiner is correct that Cupps describes a handheld device with dual processors, and each of those processors is allocated a separate memory portion. Cupps can fairly be read to describe a first CPU associated with a first memory portion and a second CPU associated with a second memory portion. Cupps even describes, in paragraph 0061, an embodiment using three processors,

including a phone module ARM 7 core processor that manages wireless transmissions and a mobile processor that can handle other office automation tasks, such as word processing.

Still, neither Cupps nor O'Neill, nor any combination of them, teaches or suggests that the *first* CPU downloads a software upgrade file from a wireless network and stores the downloaded software upgrade file in *second* memory, associated with the second CPU. Nothing in Cupps or O'Neill teaches that this would be desirable or operable, or that there would be any predictable result or likelihood of success. The Examiner doesn't even address this limitation in his rejection, and the rejection is legally deficient. As Cupps specifically describes that each of its two processors is allocated its own separate memory, it appears that a processor in Cupps' system *would not be capable* of performing as described, which would require one processor to access the memory dedicated to the other processor, except by a separate process of first transferring the file between processors for storage, as in the present system. Cupps does not teach or suggest anything like this.

In fact, Cupps describes in paragraph 0175 that "system processor 302 is self-contained, and the software applications that run within the embedded operating environment are considered 'closed.' Specifically, in a 'closed' environment, the software used is specified by the developer of the embedded system and may not be upgraded or modified by the user of the embedded operating system. In addition, no new software may be introduced to the embedded system by the user". Thus, Cupps specifically *teaches away* from any ability to download software by the non-embedded processor for storage by the embedded processor, since *no new software may be introduced to the embedded system*. There is no teaching at all that the first (embedded) processor downloads files and stores them in the memory allocated for the second (non-embedded) processor.

The Examiner's suggested "motivation" has nothing at all to do with the particular claim limitation of the first CPU downloading a software upgrade file from a wireless network and storing the downloaded software upgrade file in second memory, associated with the second CPU, as claimed. This concept is not considered at all by any combination of the references, and there is no teaching in the art that would lead one to any expectation of success or to a predictable result.

As no art of record teaches or suggests a limitation of each of the independent claims, all obviousness rejections should be reversed.

The O'Neill Priority Date

Appellant further notes that the relevant teachings of the O'Neill reference (hereafter O'Neill '721) do not appear to be prior art to this application. This application was filed on June 20, 2003; O'Neill was filed on July 31, 2003, more than a month later. O'Neill is a continuation-in-part of application No. 10/311,462, filed May 13, 2003 (from a PCT filed November 18, 2001), now published as US 2003/0182414 (hereafter O'Neill '414). While O'Neill '414 clearly qualifies as 102(e) prior art to this application, the CIP O'Neill '721 is only 102(e) prior art for that subject matter supported by its parent application, O'Neill '414.

Applicant respectfully notes that the teachings on which the Examiner relies in O'Neill '721 are not supported by O'Neill '414, and the Examiner has made no showing that these teachings are entitled to any filing date earlier than July 31, 2003, after this application. The Examiner is invited to consider whether O'Neill '414 supports the current rejections. Applicant respectfully suggests

that it does not, and so the current rejections over the new matter presented in O'Neill '721 are improper.

O'Neill '414 does not discuss a "wireless communication device" at all (using that specific language, as used in O'Neill 721, though mobile devices are certainly mentioned), and does not include the Figure 2 and related discussion on which the Examiner relies. If the Examiner were to show the subject matter in Figure 2, one which he relies, in one of the parent applications to O'Neill '721, then perhaps he could show a proper rejection, relying on an incorporation by reference. But he has not, and the Examiner has therefore failed his burden in showing these purported teachings of O'Neill to be in any *prior art* reference.

Applicant does note that O'Neill '721 references several provisional applications. Provisional 60/249,606 was also cited in O'Neill '414, and so there appears to be a proper "chain" of priority from O'Neill '721 to the '606 provisional. The '606 provisional is incorporated by reference to O'Neill '721, but is not available in public PAIR for review and so Applicant cannot comment.

O'Neill '721 also references provisional applications 60/401,054 and 60/412,850, both available on PAIR at least as of this date. These applications include some relevant teachings the Examiner may wish to consider. O'Neill '721 incorporated these by reference, but it is not Appellant's burden to examine all references to attempt to support the Examiner's rejection; it is the Examiner's burden to show that the "the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent". O'Neill '721 describes the something

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similar invention (with the distinctions discussed above), but was not filed before the instant application. O'Neill '414 was earlier filed and published, but does not describe the invention. The Examiner has not shown any published application, filed before the instant application, that describes the invention (and there is no corresponding issued patent).

All obviousness rejections should be reversed.

Claims 2 and 14

These claims depend, directly or indirectly, from the claims discussed above, and the arguments above are incorporated by reference.

Claim 2 requires that the first CPU is capable of executing a first upgrade agent program that replaces first existing code associated with a first existing software file in the first memory with first replacement code from the downloaded software upgrade file, and claim 14 includes a similar limitation. These claims may be considered together.

Nothing in any combination of the references teaches or suggests that code stored in the first memory (associated with the first processor) should be replaced with from the downloaded upgrade file, which is stored in the second memory associated with the second processor. In fact, in Cupps description, this is not even possible, since “no new software may be introduced” to the embedded processor and storage – which prevents the embedded processor and memory from either storing or installing the upgrade file in its memory, so it cannot function as one of the claimed first or second processor.

The rejection of these claims should be reversed.

Claims 4, 16, and 19

These claims depend, directly or indirectly, from the claims discussed above, and the arguments above are incorporated by reference.

Claim 4 requires that the downloaded software upgrade file is transferred from the second memory to the first memory by an interprocessor communication unit, and claims 16 and 19 include

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a similar limitation. These claims may be considered together.

Nothing in any combination of the references teaches or suggests that code stored in the second memory (associated with the second processor) can or should be transferred to the first memory associated with the first processor. In fact, in Cupps description, this is not even possible, since “no new software may be introduced” to the embedded processor and storage – which prevents the embedded processor from receiving any transferred file for its memory, so it cannot function as one of the claimed first or second processor. There is no interprocessor unit as claimed.

The rejection of these claims should be reversed.

Claims 5, 8, 17, and 20

These claims depend, directly or indirectly, from the claims discussed above, and the arguments above are incorporated by reference.

Claim 5 requires that the the first CPU executes the first upgrade agent program after the downloaded software upgrade file is transferred into the first memory from the second memory, and claims 8, 17 and 20 include a similar limitation. These claims may be considered together.

Nothing in any combination of the references teaches or suggests the claimed file transfer, as discussed above, and certainly doesn't teach that an upgrade agent program is executed after the transfer occurs.

The rejection of these claims should be reversed.

Claims 6 and 18

These claims depend, directly or indirectly, from the claims discussed above, and the arguments above are incorporated by reference.

Claim 6 requires that the first upgrade agent program is transferred from the second memory and stored in the first memory, and claim 18 includes a similar limitation. These claims may be considered together.

Nothing in any combination of the references teaches or suggests that code stored in the second memory (associated with the second processor) can or should be transferred to the first memory associated with the first processor. In fact, in Cupps description, this is not even possible, since "no new software may be introduced" to the embedded processor and storage – which prevents the embedded processor from receiving any transferred file for its memory, so it cannot function as one of the claimed first or second processor.

The rejection of these claims should be reversed.

Claim 7

These claims depend, directly or indirectly, from the claims discussed above, and the arguments above are incorporated by reference.

Claim 7 requires that the downloaded software upgrade file *and* the first upgrade agent program are transferred from the second memory to the first memory by an interprocessor communication unit.

Nothing in any combination of the references teaches or suggests that code stored in the second memory (associated with the second processor) can or should be transferred to the first memory associated with the first processor. In fact, in Cupps description, this is not even possible, since “no new software may be introduced” to the embedded processor and storage – which prevents the embedded processor from receiving any transferred file for its memory, so it cannot function as one of the claimed first or second processor. There is no interprocessor unit as claimed.

The rejection of these claims should be reversed.

Claims 9 and 21

These claims depend, directly or indirectly, from the claims discussed above, and the arguments above are incorporated by reference.

Claim 9 requires that the second CPU is capable of executing a second upgrade agent program that replaces second existing code associated with a second existing software file in the second memory with second replacement code from the downloaded software upgrade file. Claim 21 includes similar limitations, and these claims may be considered together.

Nothing in any combination of the references teaches or suggests a second upgrade agent program, replacing second code in the second memory (so that code in both memories are upgraded).

The rejection of these claims should be reversed.

Claims 10-12 and 22-24

These claims depend, directly or indirectly, from the claims discussed above, and the arguments above are incorporated by reference.

Claims 10 and 22 require that the second upgrade agent program is stored in the second memory. Claims 11 and 23 require that the second upgrade agent program is transferred from the first memory and stored in the second memory. Claims 12 and 24 require that the second CPU executes the second upgrade agent program after the second upgrade agent program is transferred into the second memory from the first memory. These claims may be considered together.

Nothing in any combination of the references teaches or suggests a second upgrade agent program, or how it might be transferred or executed.

The rejection of these claims should be reversed.

Grouping of Claims

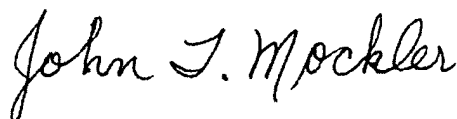
The claims on appeal do not stand or fall together, as may be seen from the arguments set forth above. Each claim or group of claims that has been argued separately under a separate subheading should be considered separately. While the applicant recognizes that a formal statement regarding the grouping of claims is no longer required, each claim should be considered separately; or at the very least each claim which is argued separately in the preceding sections of this brief should be considered separately.

REQUESTED RELIEF

The Board is respectfully requested to reverse the outstanding rejections and return this application to the Examiner for allowance.

Respectfully submitted,

MUNCK CARTER, LLP



Date: March 10, 2009

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ATTORNEY FOR APPELLANT

APPENDIX A -
Claims Appendix

1. (Original) A wireless communication device capable of accessing a wireless network and downloading a software upgrade file therefrom, said wireless communication device comprising:

a first central processing unit (CPU) capable of controlling wireless communications with said wireless network;

a first memory associated with said first CPU;

a second central processing unit (CPU) capable of executing at least one end-user application on said wireless communication device; and

a second memory associated with said second CPU,

wherein said first CPU downloads said software upgrade file from said wireless network and stores said downloaded software upgrade file in said second memory.

2. (Original) The wireless communication device as set forth in Claim 1 wherein said first CPU is capable of executing a first upgrade agent program that replaces first existing code associated with a first existing software file in said first memory with first replacement code from said downloaded software upgrade file.

3. (Original) The wireless communication device as set forth in Claim 2 wherein said first upgrade agent program is stored in said first memory.

4. (Original) The wireless communication device as set forth in Claim 3 wherein said downloaded software upgrade file is transferred from said second memory to said first memory by an interprocessor communication unit.

5. (Original) The wireless communication device as set forth in Claim 4 wherein said first CPU executes said first upgrade agent program after said downloaded software upgrade file is transferred into said first memory from said second memory.

6. (Original) The wireless communication device as set forth in Claim 3 wherein said first upgrade agent program is transferred from said second memory and stored in said first memory.

7. (Original) The wireless communication device as set forth in Claim 6 wherein said downloaded software upgrade file and said first upgrade agent program are transferred from said second memory to said first memory by an interprocessor communication unit.

8. (Original) The wireless communication device as set forth in Claim 7 wherein said first CPU executes said first upgrade agent program after said downloaded software upgrade file is transferred into said first memory from said second memory.

9. (Original) The wireless communication device as set forth in Claim 2 wherein said second CPU is capable of executing a second upgrade agent program that replaces second existing code associated with a second existing software file in said second memory with second replacement code from said downloaded software upgrade file.

10. (Original) The wireless communication device as set forth in Claim 9 wherein said second upgrade agent program is stored in said second memory.

11. (Original) The wireless communication device as set forth in Claim 10 wherein said second upgrade agent program is transferred from said first memory and stored in said second memory.

12. (Original) The wireless communication device as set forth in Claim 11 wherein said second CPU executes said second upgrade agent program after said second upgrade agent program is transferred into said second memory from said first memory.

13. (Original) A method of upgrading software in a wireless communication device comprising: 1) a first CPU that controls wireless communications with the wireless network; 2) a first memory associated with the first CPU; 3) a second CPU that executes at least one end-user application; and 4) a second memory associated with the second CPU, the method of upgrading software comprising the steps of:

accessing a wireless network using the first CPU;
downloading the software upgrade file from the wireless network using the first CPU; and
transferring the downloaded software upgrade file from the first CPU into the second memory.

14. (Original) The method as set forth in Claim 13 further comprising the step of executing in the first CPU a first upgrade agent program that replaces first existing code associated with a first existing software file in the first memory with first replacement code from the downloaded software upgrade file.

15. (Original) The method as set forth in Claim 14 wherein the first upgrade agent program is stored in the first memory.

16. (Original) The method as set forth in Claim 15 further comprising the step of transferring the downloaded software upgrade file from the second memory to the first memory.

17. (Original) The method as set forth in Claim 16 wherein the first CPU executes the first upgrade agent program after the downloaded software upgrade file is transferred into the first memory from the second memory.

18. (Original) The method as set forth in Claim 15 further comprising the step of transferring the first upgrade agent program from the second memory into the first memory.

19. (Original) The method as set forth in Claim 18 further comprising the step of transferring the downloaded software upgrade file from the second memory to the first memory.

20. (Original) The method as set forth in Claim 19 wherein the first CPU executes the first upgrade agent program after the downloaded software upgrade file is transferred into the first memory from the second memory.

21. (Original) The method as set forth in Claim 14 further comprising the step of executing in the second CPU a second upgrade agent program that replaces second existing code associated with a second existing software file in the second memory with second replacement code from the downloaded software upgrade file.

22. (Original) The method as set forth in Claim 21 wherein the second upgrade agent program is stored in the second memory.

23. (Original) The method as set forth in Claim 22 further comprising the step of transferring the second upgrade agent program from the first memory into the second memory.

24. (Original) The method as set forth in Claim 23 wherein the second CPU executes the second upgrade agent program after the second upgrade agent program is transferred into the second memory from the first memory.

APPENDIX B -
Copy of Formal Drawings

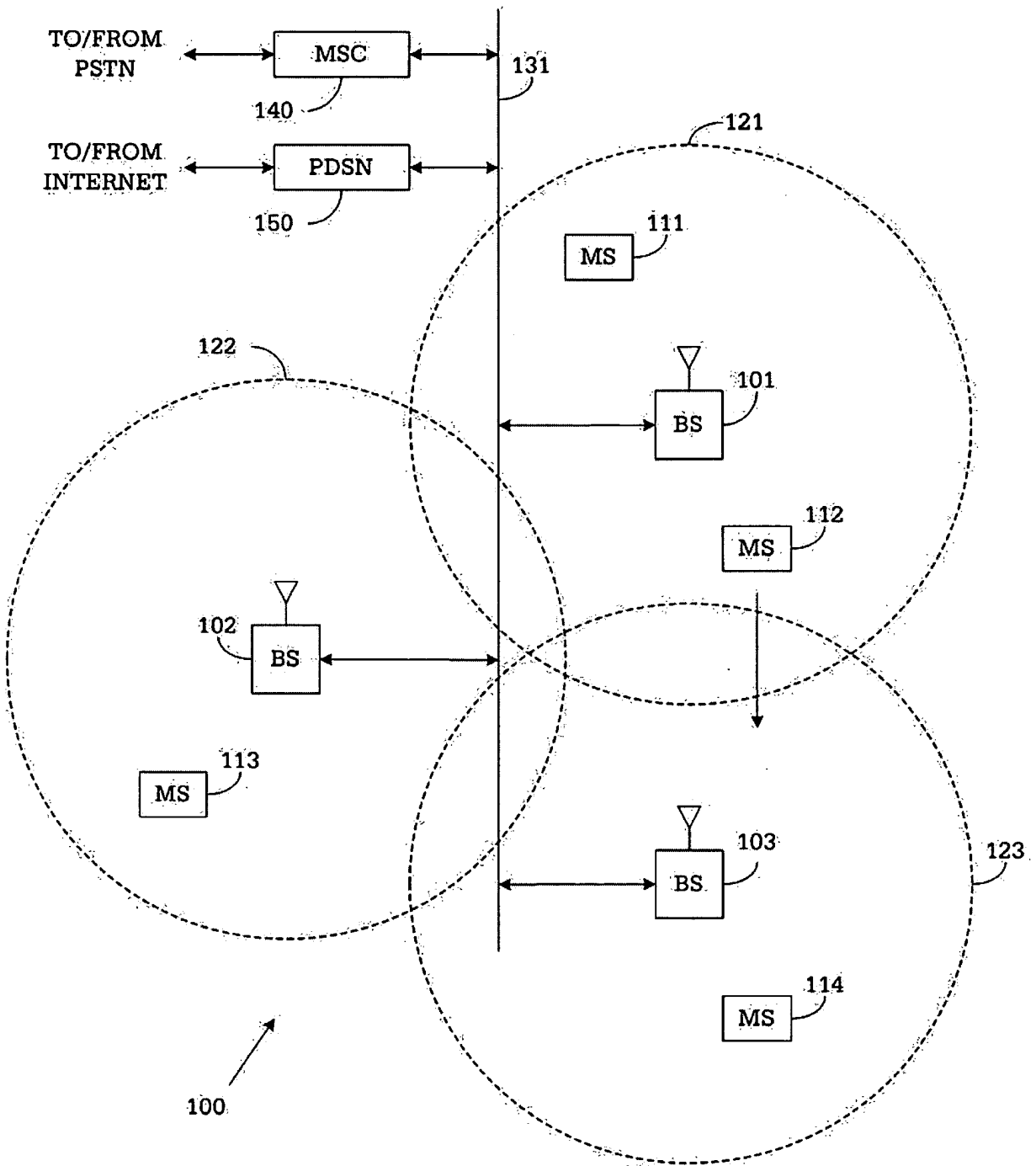


FIGURE 1

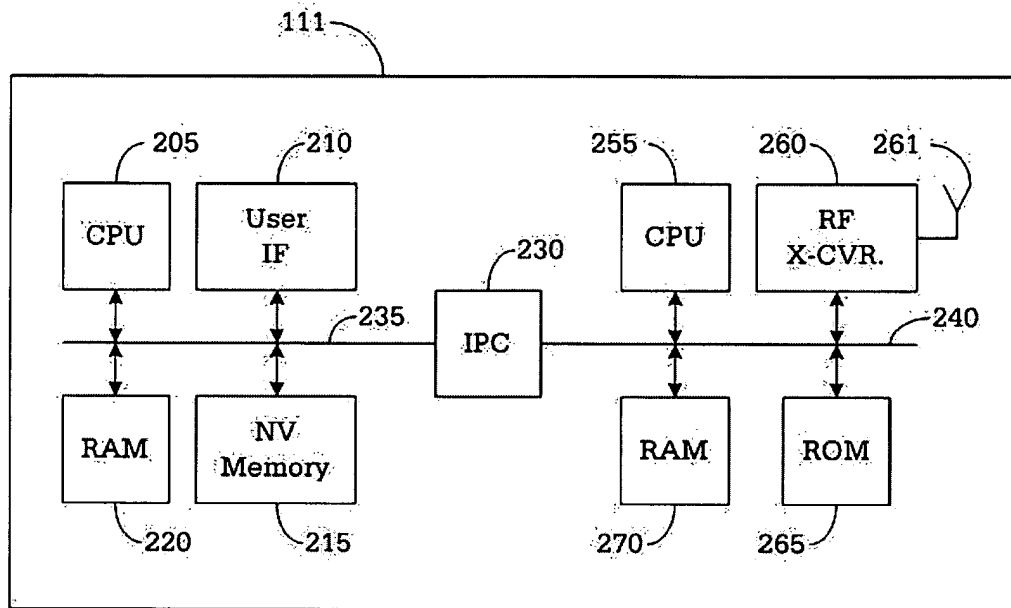


FIGURE 2

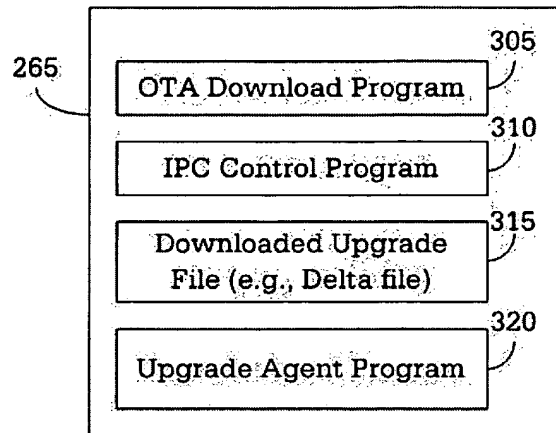


FIGURE 3

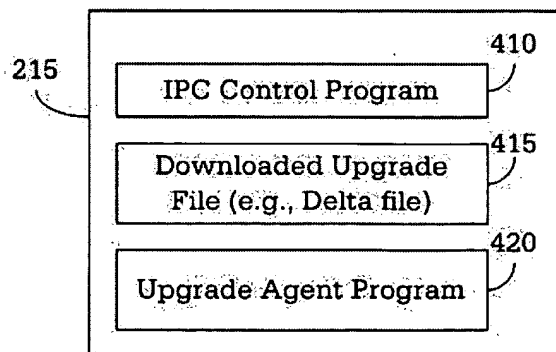
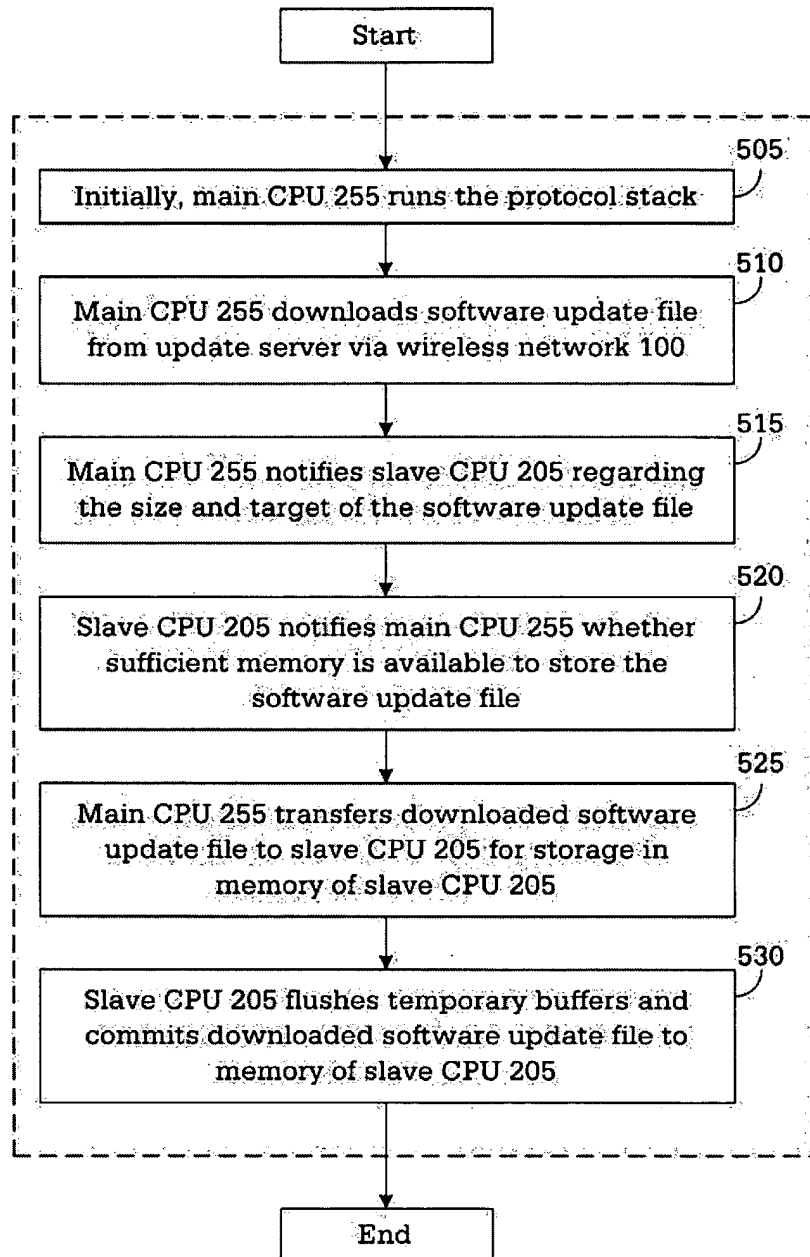


FIGURE 4



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FIGURE 5

APPENDIX C -
Evidence Appendix

Not Applicable -- No other evidence was entered.

APPENDIX D -
Related Proceedings Appendix

Not Applicable -- To the best knowledge and belief of the undersigned attorney, there are none.